

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**MICHAEL WILLIAMS (#2184929),**

Plaintiff,

v.

**CLAY M. EMBREY,**

Defendant.

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Civil Action No. **3:19-cv-2802-L**

**ORDER**

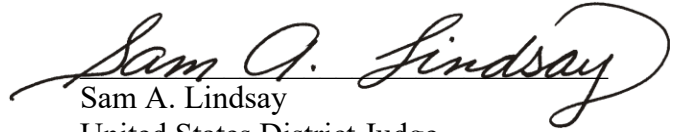
On January 13, 2020, United States Magistrate Judge Renee Toliver entered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 6), recommending that the court dismiss as frivolous with prejudice this action filed by pro se Plaintiff Michael Williams (“Plaintiff”) against Defendant Clay M. Embrey. No objections to the Report were filed.

Having reviewed the pleading, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct and **accepts** them as those of the court. Accordingly, the court **dismisses with prejudice** this action as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). This dismissal will also count as a “strike” or “prior occasion” within the meaning of 28 U.S.C. § 1915(g).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the magistrate judge’s Report, the court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v.*

*King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Petitioner may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**It is so ordered** this 31st day of January, 2020.

  
Sam A. Lindsay  
United States District Judge